

Appl. No.: 10/511,379

Amdt. Dated December 29, 2005

Response to Office Action Mailed October 3, 2005

REMARKS:

Applicant appreciates the time and care the examiner has taken in examining the application. In the amendments above, care has been taken to avoid introduction of any new matter.

In response to the examiner's rejection of claim 1 under Section 112, second paragraph, as being indefinite, it is noted that the examiner has objected to the use of the wording "at least one roller bearing fixed to a stationary part of a switch" as recited in line 5 of claim 1. It is respectfully submitted that this above wording clearly states that there exists at least one roller bearing, wherein the roller bearing is fixed to a stationary part of a switch. A person skilled in the art would certainly understand which parts of a switch are to be considered as stationary parts. For example, the switch basing, the ties, wing rails or stock rails would be considered to be stationary parts of a switch. In contrast thereto, a movable point of frog or a tongue rail would be considered to be movable parts of a switch.

In the amendments, claim 2 has been cancelled and rewritten as new independent claim 24 in order to clarify the claim to address the Section 112, second paragraph rejection, founded upon the examiner's finding that the original language of claim 2 was confusing. Claim 2, now rewritten as claim 24, is directed to a set of roller devices rather than to a roller device.

It is submitted that the Section 112, second paragraph rejections have been addressed and obviated as discussed above.

With respect to the rejections of claims 1 to 23 under Section 102(b) as anticipated by Vrsecky et al, U.S. Patent No. 5,623,480, it is noted that the examiner takes the position that

Vrsecky discloses a roller device having all the features recited in the instant claims (including switch blade foot 14 that is readable as a sliding strip, first roller 101 near the first end of lever 5, pivot bearing 11, spring assembly 8 with adjustable spring power acting against the second end of lever 5). With regard to Fig. 1 of Vrsecky, the examiner considers bearing 11 to be the pivot bearing for the pivoting motion of a double-armed lever, whereby the examiner takes the position that the portion of lever 5 that extends from pivot 9 to pivot 11 is readable as a first arm, and that the portion of lever 5 that extends from pivot 9 to the point of contact with spring 8, is readable as a second arm.

It is respectfully submitted that the examiner's interpretation of Vrsecky's disclosure is based on a misunderstanding. Bearing 11 as shown in Fig. 1 can by no means be considered as a pivot bearing defining a pivot axis for the pivoting motion of the lever 5. Rather, the pivot bearing of lever 5 of Vrsecky is formed by the lever bolt 9. The bearing 11 is described as a "roll bolt;" this roll bolt allows roller 101 to rotate about its own axis. Thus, a correct interpretation of Vrsecky's disclosure is that lever 5 pivots about the pivoting axis defined by the pivot bearing 9, so that Vrsecky's lever can by no means be considered as a doubled-arm lever. Consequently, Vrsecky's lever does not comprise a first arm and a second arm.

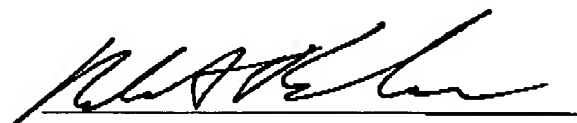
Providing a double-armed lever comprising a first arm and a second arm is a defining feature of the instant invention as claimed. In absence of a double-armed lever, Vrsecky's disclosure is by no means capable of anticipating the instant invention.

It is respectfully submitted that the application is in condition for prompt allowance and that all of the objections, rejections and requirements raised in the Office action have been met. Early, favorable treatment of this application is requested.

Fee Authorization and Extension Request. The Commissioner is hereby authorized to charge any fees associated with this communication, including any necessary fees under 37 CFR § 1.17(a) for any necessary extensions of time under 37 CFR § 1.136(a), which are hereby requested, to our Deposit Account No. 50-0305. The Examiner is encouraged to call Robert J.

Schneider at the direct number (312) 845-3919 with any questions that arise in connection with this application, or to resolve any remaining issues.

Respectfully submitted,



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CERTIFICATE OF FACSIMILE TRANSMISSION UNDER 37 C.F.R. § 1.8

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I hereby certify that the attached correspondence, namely: Response to Office Action, was transmitted by facsimile on the date listed above, to the U.S. Patent Office at the facsimile number listed above, under 37 C.F.R. § 1.8.

Signature: 

Typed Name of Person Signing this Certificate: Robert J. Schneider, Reg. No. 27,383

Date of Signature: December 29, 2005